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 NEW YORK NY 10110

In re Application of	:
Thomas Thisted et al	:
Serial No.: 10/630,203	SUSPENSION OF ACTION
Filed: July 29, 2003	:
Attorney Docket No.: 10062.210	:

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of two months, filed December 22, 2006.

A review of the file history shows that applicants have replied to the last Office action timely. Applicants request that action on this application be suspended for two months in order to determine whether a reference is applicable under 35 U.S.C. 102(e).

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

- (1) A showing of good and sufficient cause for suspension of action; and
- (2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicants' petition requests suspension in view of a US Patent Publication having been used as a reference against the claims under 35 U.S.C. 102(e) which has a common inventor with this application. Applicants state that they are "investigating whether the invention disclosed in the applied reference was derived from the common inventor" and whether the listed inventorship in this application is correct. It is noted that applicants extended the shortened statutory response period by more than two months in replying to the last Office action, presumably as part of their investigative efforts. However, the failure to conclude such efforts does not warrant suspension. Suspension of action is normally granted only in rare circumstances where despite reasonable efforts a complete response cannot be filed, such as preparation of an affidavit showing unexpected results, which requires more than six months to complete. In summary, no showing of good or sufficient cause for suspension has been made in this instance.

In view of the above reason the petition is **DENIED**.

The application will be forwarded to the examiner for consideration of the amendment filed December 22, 2006.

Should there be any questions with respect to this action, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the Office general facsimile number, 571-273-8300.



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Director, Technology Center 1600